

Therefore, a case for anticipation based on identical or substantially identical structure between the Lanman patent and the application cannot apply.

There is no suggestion within the Lanman claims or specification that the base is flexible or conformable. There is no suggestion within the Lanman claims or specification that the porous mass conforms to the shape of the base or that the base conforms to the shape of the porous mass. There is no suggestion that the base conforms to the shape of the picture frame.

In fact, the application would seem to imply that the base functions as a substantially rigid structure for supporting the porous mass and the soft glue. The base 28 is depicted as flat. In the embodiment shown in Fig. 1-5 of Lanman, the casing 15 is described in Col. 2, line 17-20: "...the casing 15 is flat and carries a coving or coating of soft glue 18 for releasably gripping or engaging the picture frame 14..." The casing 15 is analogous to the base 28 and the base is described in Col. 2, line 45-46: "a base 28 having soft glue 38 on one side for engagement with the picture frame 14..." Since both the base 28 and the casing 15 engage the same picture frame 14, it is reasonable to assume that the flat shape of the base 28 is intentional and fits the flat shape of the picture frame 14 in the same way as the casing 15.

The porous mass functions to receive the headed end of the pin 18 and so the mass can only be assumed to conform in some way to the shape of the pin.

This is in contrast to the conforming pad of claim 1 of the application, which is clearly described as "conforming shapewise to the unmounted medium: and "assumes the shape of the medium where the adhesive contacts the medium." The conformability of the pad to the media is further defined in the application specification, para. 0003, line 14-15: "The conforming pad conforms shapewise to the unmounted medium as the medium changes shape over time;" para. 0007, line 22-24: "the conforming pad changes shape with and in response to the changing medium..." para. 0025, line 15-17: "The conforming pad conforms shapewise to the medium by assuming the initially distorted shape of the medium and then changing

with the medium as the medium returns to the unrestrained shape;" para. 0026, line 21-23: "The ability of the conforming pad to change shape with and in response to the changing shape of the unmounted medium distinguishes the support product from the prior art." There is no ambiguity in the application as to the meaning of "conforming shapewise."

The specification of the application defines media as "photographs, postcards, index cards, and other media;" all objects that relay information in some form. This is in keeping with the dictionary definition of media as being "the means of communication, as radio, television, newspapers, and magazines." The entire content of the application makes it clear that the function of the invention is to hold various types of unmounted media for display. It would be obvious to one practiced in the art that "media" as used here is meant to indicate the "means of communication" definition. The picture frame does not conform to the definition of media.

Furthermore, the application is unambiguous in the meaning of unmounted, which is clearly synonymous with unframed. One of the essential functions of the invention is to conform to the media as the media changes shape over time. This characteristic of unmounted media is one of the reasons that unmounted media is framed. Applying the invention to framed media would preclude the invention's functioning in the manner for which it is intended.

Lanman employs the porous mass to "receive therein the headed end of the pin 18..." and requires that "the spongelike mass 29 of the anchoring device can be pulled out of engagement with the pin 18." So the pin is, at best, removably connected to the porous mass. As Lanman states in Col. 3, line 16-21: "...the anchoring device can be easily and quickly moved into and out of position as desired." From this, and from the clearly indicated function of all the embodiments in the Lanman patent, the anchoring device is intended to engage and also to release the headed pin so as to allow multiple positionings.

In contrast, claim 1 of the application specifies "the fastener being fixed to the conforming pad." Fixed, as used here and throughout the application, conforms to the dictionary definition "attached or placed so as to be firm and not readily movable" and "definitely and permanently placed, as a fixed buoy."

It is clear from the stated and desired function of the invention that the fastener needs to be firmly attached to the conforming pad. If the fastener detaches from the conforming pad, the invention is no longer functional.


Therefore, as the discussion above makes clear, a case for anticipation based in identical or substantially identical function between the Lanman patent and the application cannot apply.

For the abovementioned reasons, claim 1 of the application is not anticipated by US Patent 2,643,840 to Lanman.

Claim 2 of the application depends from claim 1 and includes all the limitations of claim 1. The abovementioned reasons apply equally to claim 2 as to claim 1, therefore claim 2 of the application is not anticipated by US Patent 2,643,840 to Lanman.

Reconsideration of the application, taking into account the foregoing arguments, is respectfully requested. If the Examiner has any questions, please feel free to contact me at your convenience.

Sincerely,



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